Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1, of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Colonna's Shipyard, Inc.
Facility Name:	Colonna's Shipyard, Inc.
Facility Location:	400 East Indian River Road Norfolk, Virginia 23523
Registration Number:	60108
Permit Number:	TRO60108

This permit includes the following programs:

Federally Enforceable Requirements - Clean Air Act (Sections I through X)
State Only Enforceable Requirements (Section XI)

November 1, 2010
Effective Date

October 31, 2015
Expiration Date

_____
Regional Director

October 12, 2010
Signature Date

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I. Facility Information

Permittee
Colonna's Shipyard, Inc.
400 East Indian River Road
Norfolk, Virginia 23523

Responsible Official
Thomas W. Godfrey
President/CEO

Facility
Colonna's Shipyard, Inc.
400 East Indian River Road
Norfolk, Virginia 23523

Contact Person
Franklin T. Wheatley
Compliance Director
(757) 545-2414 ext. 445

County-Plant Identification Number: 51-710-00028

Facility Description:
NAICS 336611 – Ship Building and Repairing (except in floating drydocks)
NAICS 488390 – Ship Building and Repairing (repair services provided by floating drydocks)

Colonna's Shipyard, Inc. functions primarily as a ship repair facility but also performs other types of work, such as steel fabrication. The source consists of two floating drydocks, two marine railways, and a Marine Travel lift facility.

Ship Repair Activities: Vessels are hauled out of the water for structural and mechanical repair and/or the removal and application of marine coatings. Vessel surfaces are prepared for coating application by the use of power tools (grinders, needle guns, sanders), abrasive blasting, or hydroblasting. The marine coating operations consist of HVLP spray coating application, as well as brush and roller application. The marine coating activities are subject to the requirements of 40 CFR 63, Subpart II, National Emission Standards for Shipbuilding and Ship Repair (Surface Coating). Fugitive emissions from abrasive blasting and marine coating activities are controlled using Best Management Practices, which include downspraying of materials, utilization of tarps and curtains, and the termination of blasting and coating operations when winds exceed 25 mph or if control methods prove ineffective.

Other repair activities include welding (primarily electric arc welding) and machining operations, including the use of mechanical grinders, presses, and lathes.

Steel Fabrication Activities: Steel fabrication activities at the source are similar to the ship repair activities (including welding and coating application) except that products are manufactured for use in commercial applications, such as power plants, hydro-electric plants, manufacturing facilities, etc.

Parts Washing: Three solvent-based parts washers are used for cleaning small parts.

Internal Combustion Engines: Two diesel emergency generators are used to provide emergency power to the drydocks during interruptions in service from the normal power supplier and during testing and operational maintenance. The facility also operates a diesel-powered emergency fire pump.

Miscellaneous Activities: The facility engages in the application of fiberglass coatings on a limited number of propeller shafts. The facility is also in the process of adding a wastewater treatment system to treat oily water and process water from drydock discharges. The system will include an oil-water separator and a Dissolved Air Flotation (DAF) system.

The facility is a Title V major source of VOC and HAP. This source is located in an attainment area for all pollutants, and is a PSD minor source. Colonna’s Shipyard, Inc. was constructed before 1972. There are no New Source Review permits associated with this facility.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
6	6	Abrasive Blasting	N/A	N/A	N/A	N/A	N/A
7	7	Marine Coating Application	Not Applicable	N/A	N/A	N/A	N/A
8		Degreasers (3 units)	45 gallons each	N/A	N/A	N/A	N/A
9	9	Drydock #1 Detroit Diesel Emergency Generator (Manufactured 1987, Installed 2002)	500 kW (671 hp)	N/A	N/A	N/A	N/A
10	10	Drydock #2 Detroit Diesel Emergency Generator (Manufactured 1984, Installed 1988)	275 kW (369 hp)	N/A	N/A	N/A	N/A
11	11	Emergency Fire Pump With Caterpillar Diesel Engine (Manufactured <1982, Installed 1989)	325 kW (436 hp)	N/A	N/A	N/A	N/A

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Abrasive Blasting Requirements

A. Limitations

1. Visible Emissions from abrasive blasting operations shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60 percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A) or an alternative as approved by DEQ. Compliance with Condition III.A.4 of this section will indicate compliance with this condition.
   (9 VAC 5-40-20, 9 VAC 5-40-80, and 9 VAC 5-80-110)

2. The permittee shall not cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

   a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.

   b. Application of asphalt, oil, water or suitable chemicals on dirt roads, materials stockpiles and other surfaces which may create airborne dust; the paving of roadways and maintaining them in a clean condition.

   c. Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations.

   d. Open equipment for conveying or transporting materials likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion.

   e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

   (9 VAC 5-40-90 and 9 VAC 5-80-110)

3. At all times, including periods of startup, shutdown, and malfunction, the abrasive blasting operations shall, to the extent practicable, be maintained and operated in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to DEQ, which may include, but is not limited to, monitoring results, opacity observations, review of operating and

maintenance procedures, and inspection of the source.
(9 VAC 5-40-20 E, 9 VAC 5-40-90, and 9 VAC 5-80-110)

4. To minimize visible emissions and fugitive emissions, the permittee shall:

   a. Minimize or, if necessary, terminate outdoor abrasive blasting operations if the prevailing wind direction and speed causes particulate matter from such activities to be transported to adjacent property or waterways.

   b. Terminate abrasive blasting operations if the wind speed exceeds a sustained 25 miles per hour at the facility, unless effective containment methods preapproved by DEQ are utilized.

   c. Use containment methods such as curtains or shrouds where possible and practical, and locate the operations to minimize particulate matter from being transported to adjacent property.

   (9 VAC 5-40-20 E, 9 VAC 5-40-90, and 9 VAC 5-80-110)

B. Monitoring and Recordkeeping

1. The permittee shall monitor and record the wind speed and wind direction every thirty (30) minutes when abrasive blasting operations occur. Monitoring shall commence when abrasive blasting operations begin, and shall continue until abrasive blasting operations are terminated for that event. These records shall be available at the facility for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-40-100 and 9 VAC 5-80-110E)

IV. Marine Coating Application Requirements

A. Limitations

1. Visible Emissions from marine coating application operations shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60 percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A) or an alternative as approved by DEQ. Compliance with Condition IV.A.4 of this section will indicate compliance with this condition.
   (9 VAC 5-40 20, 9 VAC 5-40-80, and 9 VAC 5-80-110)

2. At all times, including periods of startup, shutdown, and malfunction, the marine coating operations shall, to the extent practicable, be maintained and operated in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to DEQ, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
   (9 VAC 5-40-20 E and 9 VAC 5-80-110)

3. At all times the disposal of volatile organic compounds shall be accomplished by taking measures, to the extent practicable, consistent with air pollution control practices for minimizing emissions. Volatile organic compounds shall not be intentionally spilled, discarded in sewers which are not connected to a treatment plant, or stored in open containers or handled in any other manner that would result in evaporation beyond that consistent with air pollution control practices for minimizing emissions.
   (9 VAC 4-40-20 F and 9 VAC 5-80-110)

4. To minimize visible emissions and fugitive emissions, the permittee shall:

   a. Minimize or, if necessary, terminate outdoor coating/painting operations if the prevailing wind direction and speed causes particulate matter from such activities to be transported to adjacent property or waterways.

   b. Terminate outdoor coating/painting operations if the wind speed exceeds a sustained 25 miles per hour at the facility, unless effective containment methods preapproved by DEQ are utilized.

   c. Use containment methods such as curtains or shrouds where possible and practical, and locate the operations to minimize particulate matter from being transported to adjacent property.

d. Use airless spray equipment and spray in a horizontal to down pattern to the maximum extent possible and practicable.

(9 VAC 5-40-20 E, 9 VAC 5-40-90, and 9 VAC 5-80-110)

5. Each shipbuilding and ship repair operation is to be operated in compliance with the requirements of 40 CFR 63 Subpart II (Shipbuilding and Ship Repair (Surface Coating)) and the general provisions of 40 CFR 63 Subpart A, as specified in Table 1 of 40 CFR 63 Subpart II.
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.780)

6. The provisions of 40 CFR Part 63, Subpart II do not apply to "low-usage exempt" coatings used in volumes of less than 52.8 gallons per year for each coating, and 264 gallons per year of all such coatings. Coatings exempt under this condition shall be clearly labeled as "low-usage exempt".
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.781(b))

7. The provisions of 40 CFR Part 63 Subpart A pertaining to startups, shutdowns, and malfunctions and continuous monitoring do not apply unless an add-on control system is used to comply with 40 CFR part 63 Subpart II.
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.781(d))

8. No owner or operator shall cause or allow the application of any coating to a ship with an as-applied Volatile Organic Hazardous Air Pollutant (VOHAP) content exceeding the applicable limit given in Table 2 of 40 CFR part 63 Subpart II.
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.783(a))

9. Each owner or operator shall ensure that:

   a. All handling and transfer of VOHAP-containing materials to and from containers, tanks, vats, drums, and piping systems is conducted in a manner that minimizes spills.

   b. All containers, tanks, vats, drums, and piping systems are free of cracks, holes, and other defects and remain closed unless materials are being added to or removed from them.

   (9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.783(b))

B. Compliance Procedures

1. For each batch of coating that is received, the owner or operator shall:

   a. Determine the coating category and the applicable VOHAP limit as specified in 40 CFR 63.783(a).

   b. Certify the as-supplied VOC content of the batch of coating.

   (9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.785(a))

2. In lieu of testing each batch of coating, as applied, the owner or operator may determine compliance with the VOHAP limits using any combination of the procedures described in 40 CFR 63.785 (c)(1), (c)(2), (c)(3), and (c)(4). The procedure used for each coating shall be determined and documented prior to application.
   (9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.785(b)(1))

3. The results of any compliance demonstration using Method 24 shall take precedence over the results using the procedures in 40 CFR 63.785 (c)(1), (c)(2), or (c)(3).
   (9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.785(b)(2))

4. The results of any compliance demonstration conducted using an approved test method to determine VOHAP content shall take precedence over the results using the procedures in 40 CFR 63.785(c)(4).
   (9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.785(b)(3))

C. Monitoring, Recordkeeping, and Reporting

1. The permittee shall monitor and record the wind speed and wind direction every thirty (30) minutes when outdoor coating/painting operations occur. Monitoring shall commence when outdoor coating/painting operations begin, and shall continue until abrasive outdoor coating/painting operations are terminated for that event. These records shall be available at the facility for inspection by the DEQ and shall be current for the most recent five (5) years.

   (9 VAC 5-40-100 and 9 VAC 5-80-110E)

2. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Tidewater Regional Office. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
   (9 VAC 5-80-110)

3. For each compliance procedure used (40 CFR 63.785(c)(1), (2), (3), and (4)), the permittee shall maintain records to demonstrate compliance with the chosen procedure.
(9 VAC 5-80-110 and 40 CFR 63.788(b)(2) and (3))

4. Each owner or operator shall comply with the applicable recordkeeping and reporting requirements in 40 CFR 63.10(a), (b), (d), and (f).
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.788(a))

5. Each owner or operator of a major source shipbuilding or ship repair facility having surface coating operations with less than 264 gallons annual marine coating usage shall record the total volume of coating applied at the source to ships. Such records shall be compiled monthly and maintained for a minimum of 5 years.
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.788(b)(1))

6. Each owner or operator of an affected source shall compile records on a monthly basis and maintain those records for a minimum of 5 years. At a minimum, these records shall include:

   a. All documentation supporting initial notification;

   b. A copy of the affected source's implementation plan;

   c. The volume of each low-usage-exempt coating applied;

   d. Identification of the coating used, their appropriate coating categories, and the applicable VOHAP limit;

   e. Certification of the as-supplied VOC content of each batch of coating;

   f. A determination of whether containers meet the standards as described in 40 CFR 63.783(b)(2); and

   g. The results of any Method 24 of Appendix A or 40 CFR Part 60 or approved VOHAP measurement test conducted on individual containers of coating, as applied.

   h. Any additional information, as determined by the compliance procedure(s) described in 40 CFR 63.785(c) that the permittee followed.

   (9 VAC 5-60-100, 9 VAC 5-80-110, 40 CFR 63.788 (b)(2), and 40 CFR 63.788 (b)(3))

7. If the owner or operator detects a violation of the standard specified in 40 CFR 63.783, the owner or operator shall, for the remainder of the reporting period during which the violation(s) occurred, include the information listed in 40 CFR 63.788 (b)(4) in the facility records.

   (9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.788 (b)(4))

8. Before the 60th day following completion of each 6-month period after the compliance date specified in 40 CFR 63.784, each owner or operator of an affected source shall submit a report to the EPA Administrator and the DEQ Tidewater Regional Office for each of the previous 6 months. The report shall include all of the information that must be retained pursuant to paragraphs (b)(2) through (3) of 40 CFR 63.788, except for that specified in paragraphs (b)(2)(i) through (ii), (b)(2)(v), (b)(3)(i)(A), (b)(3)(ii)(A), and (b)(3)(iii)(A). If a violation is detected, the source shall also report the information specified in paragraph (b)(4) of 40 CFR 63.788 for the reporting period during which the violation(s) occurred. To the extent possible, the report shall be organized according to the compliance procedure(s) followed each month by the affected source.

   One copy of the above referenced report shall be sent to the EPA Administrator at the following address:

   Associate Director
   Office of Air Enforcement and Compliance Assistance (3AP20)
   U.S. Environmental Protection Agency
   Region III
   1650 Arch Street
   Philadelphia, PA 19103-2029

   (9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.788 (c))

V. Degreaser Requirements

A. Limitations

1. Vapor control shall be implemented for each cold cleaner to remove, destroy, or prevent the discharge into the atmosphere of at least 85% by weight of volatile organic compound emissions. Achievement of the 85% vapor control shall be accomplished by the following:

   a. Covers or enclosed remote reservoirs;

   b. Drainage facilities to collect and return solvent to a closed container or a solvent cleaning machine;

   c. A permanent label, summarizing the operating procedures in 9 VAC 5-40-3290 C (2)(a-c) on/near the cold cleaning units;

   d. If used, the solvent spray shall be a solid, fluid stream (not a fine, atomized or shower type spray) and at a pressure which does not cause excessive splashing.

   (9 VAC 5-40-3280 C(1) and C(2), 9 VAC 5-40-3290 (C) and (D), and 9 VAC 5-80-110)

2. The following operating procedures for the cold cleaning units shall be followed:

   a. Waste solvent shall not be disposed of or transferred to another party, such that greater than 20% of the waste (by weight) can evaporate into the atmosphere. Waste solvent shall be stored in closed containers only.

   b. The cold cleaning unit cover shall be closed whenever not handling parts in the cold cleaner.

   c. Cleaned parts shall drain for at least 15 seconds or until dripping ceases.

   (9 VAC 5-40-3290 C(2)(a-c) and 9 VAC 5-80-110)

3. Disposal of waste solvent from the cold cleaning units shall be by one of the following methods:

   a. Reclamation (either by outside services or in-house), or

   b. Incineration.

   (9 VAC 5-40-3290 D and 9 VAC 5-80-110)

B. Monitoring

1. Each degreasing unit shall be inspected at least once per calendar year to ensure that the following requirements are met:

   a. The label with the operating procedures is placed on or near each degreasing unit;

   b. Each degreasing unit has a cover or enclosed remote reservoir; and

   c. Waste solvent from each degreasing unit is being stored in closed containers.

   (9 VAC 5-40-3280 C(1) and C(2), 9 VAC 5-40-3290 (C) and (D), and 9 VAC 5-80-110)

C. Recordkeeping

1. The permittee shall maintain records for:

   a. Annual inspection results and any corrective actions taken;

   b. Methods of waste solvent disposal used.

   These records shall be available at the facility for inspection by the DEQ and shall be current for the most recent five (5) years.
   (9 VAC 5-80-110)

VI. Internal Combustion Engine Requirements

A. Limitations

1. The approved fuel for the Drydock # 1 emergency generator is distillate oil. Distillate oil is defined as fuel oil that meets the specifications of fuel oil numbers 1 or 2 under the American Society for Testing and Materials. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110)

2. The Drydock #1 emergency generator, the Drydock #2 emergency generator, and the emergency fire pump diesel engine shall be used **only** for providing power at the location during interruption of service from the normal power supplier, periodic maintenance testing, and operational training. Each unit shall not exceed 500 hours per year of operation, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-110)

3. Visible Emissions from the Drydock #1 emergency generator shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A) or an alternative as approved by DEQ.
(9 VAC 5-50-20, 9 VAC 5-50-80 and 9 VAC 5-80-110)

4. At all times, including periods of startup, shutdown, and malfunction, the Drydock #1 emergency generator shall, to the extent practicable, be maintained and operated in a manner consistent with air pollution control practices for minimizing emissions.
(9 VAC 5-50-20 E and 9 VAC 5-80-110)

5. **MACT Subpart ZZZZ** - The permittee shall comply with the applicable requirements of 40 CFR 63 Subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines). The permittee shall refer to the applicable Federal regulation for detailed requirements not included in this permit. This condition applies to the Drydock #2 emergency generator and the emergency fire pump diesel engine.
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63 Subpart ZZZZ)

6. **MACT Subpart ZZZZ** - The permittee shall comply with the applicable emission limitations and operating limitations of 40 CFR 63 Subpart ZZZZ no later than May 3, 2013. This condition applies to the Drydock #2 emergency generator and the emergency fire pump diesel engine.
(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.6595(a)(1))

7. **MACT Subpart ZZZZ** - For the Drydock #2 emergency generator and the emergency fire pump diesel engine, except during periods of startup, the following emission limitations from Table 2c of 40 CFR 63 Subpart ZZZZ shall apply:

   a. Change oil and filter every 500 hours of operation or annually, whichever comes first;

   b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first;

   c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

   During periods of startup, you must minimize the engine's time spent at idle and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.
   (9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.6602)

8. **MACT, Subpart ZZZZ** - The permittee shall comply with the applicable requirements of the General Provisions as outlined in Table 8 to 40 CFR 63 Subpart ZZZZ. This condition applies to the Drydock #2 emergency generator and the emergency fire pump diesel engine.
   (9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.6665)

B. Compliance Procedures

1. **MACT Subpart ZZZZ** - For the Drydock #2 emergency generator and the emergency fire pump diesel engine, the permittee shall comply with the applicable General Compliance requirements in 40 CFR 63.6605. These requirements are summarized below.

   a. You must be in compliance with the applicable emission limitations and operating limitations at all times.

   b. At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by the standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

   (9 VAC 5-60-100, 9 VAC 5-80-110, 40 CFR 63.6605(a) and (b))

2. **MACT Subpart ZZZZ** - For the Drydock #2 emergency generator and the emergency fire pump diesel engine, the engines must be operated according to the conditions described in paragraphs a and b below. Any operation other than emergency operation, maintenance, and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs a and b below, is prohibited. If the engines are not operated according to the requirements in paragraphs a and b below, the engines will not be considered emergency engines under 40 CFR 63 Subpart ZZZZ and will need to meet all requirements for non-emergency engines.

   a. You may operate the emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year.

   b. You may operate your emergency stationary RICE up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity; except that owners and operators may

operate the emergency engine for a maximum of 15 hours per year as part of a demand response program if the regional transmission organization or equivalent balancing authority and transmission operator has determined there are emergency conditions that could lead to a potential electrical blackout, such as unusually low frequency, equipment overload, capacity or energy deficiency, or unacceptable voltage level. The engine may not be operated for more than 30 minutes prior to the time when the emergency conditions is expected to occur, and the engine operation must be terminated immediately after the facility is notified that the emergency condition is no longer imminent. The 15 hours per year of demand response operation are counted as part of the 50 hours of operation per year provided for non-emergency situations. The supply of emergency power to another entity or entities pursuant to financial arrangement is not limited, as long as the power provided by the financial arrangement is limited to emergency power.

(9 VAC 5-60-100, 9 VAC 5-80-110, 40 CFR 63.6640(f)(1)(ii) and (iii))

3. **MACT Subpart ZZZZ** - For the Drydock #1 emergency generator, the engine must be operated according to the conditions described in paragraphs a and b below.

   a. You may operate the emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by the manufacturer, the vendor, or the insurance company associated with the engine.

   b. You may operate your emergency stationary RICE for an additional 50 hours per year in non-emergency situations. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

   (9 VAC 5-60-100, 9 VAC 5-80-110, 40 CFR 63.6640(f)(2)(ii) and (iii))

C. Monitoring, Installation, Collection, Operation, and Maintenance

1. **MACT Subpart ZZZZ** - For the Drydock #2 emergency generator and the emergency fire pump diesel engine, the following requirements apply:

   a. You must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

   b. You must install a non-resettable hour meter if one is not already installed.

c. You have the option of utilizing an oil analysis program in order to extend the specified oil change requirement in Table 2c to 40 CFR 63 Subpart ZZZZ. The oil analysis program must be performed according to the requirements in 40 CFR 63.6625(i).

(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.6625(e), (f), and (i))

D. Recordkeeping

1. The permittee shall maintain records of:

   a. The type of fuel used in the Drydock #1 emergency generator;

   b. The number of hours of operation for the Drydock #1 emergency generator, the Drydock #2 emergency generator, and the emergency fire pump diesel engine, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

   These records shall be available at the facility for inspection by the DEQ and shall be current for the most recent five (5) years.

   (9 VAC 5-80-110)

2. **MACT Subpart ZZZZ** - For the Drydock #2 emergency generator and the emergency fire pump diesel engine, you must keep the following records:

   a. A copy of each notification and report that you submitted to comply with 40 CFR 63 Subpart ZZZZ, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in 40 CFR 63.10(b)(2)(xiv).

   b. Records of the occurrence and duration of each malfunction of operation (i.e. process equipment) or the air pollution control and monitoring equipment.

   c. Records of performance tests and performance evaluations as required in 40 CFR 63.10(b)(2)(viii).

   d. Records of all required maintenance performed on the air pollution control and monitoring equipment.

   e. Records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR 63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

f. Records required in Table 6 to 40 CFR 63 Subpart ZZZZ to show continuous compliance with each emission or operating limitation that applies to you.

g. Records of the maintenance conducted on the stationary RICE in order to demonstrate that you operated and maintained the stationary RICE and after-treatment control device (if any) according to your own maintenance plan.

h. Records of the hours of operation of the engine that is recorded through the non-resettable hour meter. You must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engines are used for demand response operation, you must keep records of the notification of the emergency situation, and the time the engine was operated as part of demand response.

(9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.6655(a), (d), (e), and (f))

3. **MACT Subpart ZZZZ** - All records must be kept according to the requirements in 40 CFR 63.6660.
(9 VAC 5-60-100, 9 VAC 5-80-110, 40 CFR 63.6660, and 40 CFR 63.10(b)(1))

E. Reporting

1. **MACT Subpart ZZZZ** - For the Drydock #2 emergency generator and the emergency fire pump diesel engine, you must report each instance in which you did not meet the applicable requirements of the General Provisions, as outlined in Table 8 to 40 CFR 63 Subpart ZZZZ.

   Reports shall be sent to the EPA Administrator at the following address:

   Associate Director
   Office of Air Enforcement and Compliance Assistance (3AP20)
   U.S. Environmental Protection Agency
   Region III
   1650 Arch Street
   Philadelphia, PA 19103-2029

   (9 VAC 5-60-100, 9 VAC 5-80-110, and 40 CFR 63.6640(e))

VII. Facility-Wide Requirements

A. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-40-30 and 9 VAC 5-80-110)

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

VIII. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity 9 VAC 5-80-720 C)
Fiber glass lay-up on propeller shafts	9 VAC 5-80-720 B	VOC	N/A
Diesel cranes	9 VAC 5-80-720 B	VOC, NO_x, SO_2, PM, PM-10	N/A
Fuel tanks	9 VAC 5-80-720 B	VOC	N/A
Hydroblasting	9 VAC 5-80-720 A.65	N/A	N/A
Welding	9 VAC 5-80-720 B	Particulates (Manganese)	N/A
Machining operations (grinders, presses, lathes, etc.)	9 VAC 5-80-720 B	Particulates	N/A
Dissolved Air Flotation (DAF) wastewater treatment system with oil-water separator	9 VAC 5-80-720 B	VOC, HAPs	N/A

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

IX. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None Identified in Application		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

X. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.

2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.

3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:

   a. The date, place as defined in the permit, and time of sampling or measurements.

   b. The date(s) analyses were performed.

   c. The company or entity that performed the analyses.

   d. The analytical techniques or methods used.

   e. The results of such analyses.

   f. The operating conditions existing at the time of sampling or measurement.

   (9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

   (9 VAC 5-80-110 F)

3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

   a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

   b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:

      (1) Exceedance of emissions limitations or operational restrictions;

      (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,

      (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.

2. The identification of each term or condition of the permit that is the basis of the certification.

3. The compliance status.

4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.

5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.

6. Such other facts as the permit may require to determine the compliance status of the source.

7. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

   R3_APD_Permits@epa.gov

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Tidewater Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition IX.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

   (9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

   (9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;

2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;

3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;

4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-

80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.

4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.

   (9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.

   (9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

   (9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:

   a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.

   b. The permitted facility was at the time being properly operated.

   c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.

   d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the

Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).

(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.

2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.

3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

XI. State-Only Enforceable Requirements (Optional)

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

9 VAC 5, Chapter 40, Part II, Article 2: Emissions Standards for Odor

9 VAC 5, Chapter 50, Part II, Article 2: Standards of Performance for Odorous Emissions

9 VAC 5, Chapter 60, Part II, Article 4: Emission Standards for Toxic Pollutants from Existing Sources

9 VAC 5, Chapter 60, Part II, Article 5: Emission Standards for Toxic Pollutants from New and Modified Sources

(9 VAC 5-80-110 N and 9 VAC 5-80-300)